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Filing date: **11/08/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91175280
Party	Plaintiff Magnadyne Corporation
Correspondence Address	Matthew R. Mowers BROOKS KUSHMAN P.C. 1000 Town Center, 22nd floor Southfield, MI 48075 UNITED STATES mmowers@brookskushman.com, sgibbons@brookskushman.com
Submission	Motion to Extend
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Date	11/08/2007
Attachments	Motion to Extend.pdf ( 4 pages )(85492 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of  
Trademark Application on Serial No. 76/655,958  
Mark: MOVIEVISION

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MAGNADYNE CORPORATION	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91175280
	)	
MOVIEVISION, INC.	)	
	)	
Applicant.	)	

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TTAB BOX NO FEE  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**OPPOSER'S MOTION FOR  
EXTENSION OF TESTIMONY PERIOD**

Opposer, Magnadyne Corporation, respectfully moves the Trademark Trial and Appeal Board (hereinafter "the Board") to extend Opposer's testimony period and all subsequent dates established in accordance with Rule 2.128(a)(1) of the Trademark Rules of Practice for a period of sixty (60) days from the ruling on the present motion, and reset the remaining dates thereafter.

The grounds for this motion are as follows:

1.       The parties have been engaged in settlement discussions on and off for several months.

2. Counsel for Opposer contacted Applicant several times in November, 2007 to seek consent to an extension of Opposer's testimony period. Opposer requested this extension to accommodate the travel schedule of its witness for Magnadyne Corporation, CEO Barry Caren. Mr. Caren will present testimony on behalf of the Opposer regarding Opposer's use of its MOVIE VISION trademark and rights associated with the MOVIE VISION U.S. trademark registrations.

3. Opposer's counsel advised Applicant that the close of Opposer's testimony period was approaching, and requested Applicant's consent to a sixty (60) day extension of Opposer's testimony period and all dates following on the trial calendar to accommodate Mr. Caren's schedule.

4. Applicant was unable to provide Opposer with an answer to accept or deny this extension request in a timely manner.

5. Opposer has shown good cause for this motion given that: (a) Opposer attempted to seek consent for this motion, but was unable to do so in light of Applicant's inability to provide an answer; (b) Opposer's request for an extension of its testimony period is not the result of any delay or negligence on Opposer's part; (c) Opposer is not abusing the privilege of extensions; and (d) Opposer's motion is not for the purposes of delay, but rather is to give the parties additional time to schedule testimony of important witnesses.

6. Opposer believes that this extension will not prejudice Applicant, given that the requested extension is short and Applicant will have ample opportunity to participate in the testimony period.

For the reasons stated above, Opposer submits that the extension of time sought by this motion is fully warranted and should be granted.

Respectfully submitted,

**BROOKS KUSHMAN P.C.**

By:   
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*Attorneys for Opposer*

Dated: November 8, 2007

**CERTIFICATE OF SERVICE**

I certify that I served:

**OPPOSER'S MOTION FOR EXTENSION OF  
TESTIMONY PERIOD**

on November 8, 2007 by:

   delivering

✓ mailing (via First-Class mail)

a copy to:

Indiana Retana  
9435 Charleville Blvd.  
Beverly Hills, CA 90212

*Applicant*

*Carolyn Bielaniec*  
Carolyn Bielaniec